

powers to be exercised for promoting their mutual welfare.<sup>4</sup> By such an arrangement the State may grant exclusive jurisdiction to the Federal Government.

**9. Exclusive jurisdiction discussed.**—Much will be said in these chapters concerning exclusive jurisdiction of the United States. Contrary to its ordinary import, the term “exclusive jurisdiction” as thus used does not mean absolute and unlimited jurisdiction to the exclusion of all powers of the State. Under our dual form of constitutional government, neither the State nor the United States can exercise unlimited authority within a State without regard to the constitutional prerogatives of the other. It is sometimes said that a State has “complete” or “perfect” jurisdiction or that the United States has “exclusive” jurisdiction. Such terms must be interpreted in the light of the Constitution of the United States as meaning that the State retains the complete jurisdiction reserved to it by the Constitution, and the general government on the other hand has acquired only the power of “exclusive legislation” which Congress may exercise under the Constitution.<sup>5</sup>

**10. Certain rights the States cannot surrender to Federal Government.**—Even though a State may refuse to transfer to the United States any of the jurisdiction reserved to it under the Constitution, this does not mean that the State may exercise complete jurisdiction over lands of the United States within its borders to the exclusion of all authority of the Federal Government. On the other hand, the State may not surrender to the Federal Government the right to exercise those means which are necessary to accomplish the powers reserved to it by the Constitution, or to save to its people the rights and immunities vouchsafed to them by that document.<sup>6</sup>

**11. Dual relation of the States and the United States under the Constitution.**—A Virginia statute gave the consent of the Commonwealth to the purchase by the United States of certain lands

A statute - part of a contract.  
Consent - required to be a contract

<sup>4</sup> *Fort Leavenworth Railroad Co. v. Lowe*, 114 U. S. 525, 541, 5 S. Ct. 995; *Collins v. Yosemite Park Co.*, 304 U. S. 518, 528, 530, 58 S. Ct. 1009; *Stewart & Co. v. Sadrakula*, 309 U. S. 94, 99, 60 S. Ct. 431.

<sup>5</sup> In a dissenting opinion in the recent case of *Pacific Coast Dairy v. Department of Agriculture*, 318 U. S. 285, 296, 63 S. Ct. 628, Justice Frankfurter observed:

“The so-called exclusive jurisdiction drawn from the grant to Congress of power to legislate exclusively has, as a matter of historical fact, become increasingly less and less exclusive \* \* \* Since exclusive authority need not be exercised by Congress, there is at times uncertainty and confusion whether jurisdiction belongs to the federal government or has been left with the state. *Bowen v. Johnston*, 306 U. S. 19, 27, 59, S. Ct. 442, 446; 83 L. Ed. 455. And although the acts of cession may leave ‘no room for doubt’ that ‘jurisdiction’ remained with the state, ‘administrative construction’ may nevertheless generate federal jurisdiction. 306 U. S., at page 29, 59 S. Ct., at page 447; 83 L. Ed. 455 \* \* \* Enough has been said to show that the doctrine of ‘exclusive jurisdiction’ over federal enclaves is not imperative. The phrase is indeed a misnomer for the manifold legal phases of the diverse situations arising out of the existence of federally owned lands within a state—problems calling not for a single, simple answer but for disposition in the light of the national purposes which the enclave serves \* \* \*”

<sup>6</sup> 7 Atty. Gen. 628, 630.